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## ENERGY DEPARTMENT

### NOTIFICATION

The 30th March 2006

No. 2963—R. & R.-II-1/2006-En.—In exercise of the powers conferred by sub-section (3) of Section 103, read with clause (g) of sub-section (2) of Section 180 of the Electricity Act, 2003 (36 of 2003), the State Government do hereby make the following rules relating to the manner of applying the Orissa Electricity Regulatory Commission Fund, namely:—

### PART I

#### 1. Short Title and Commencement—

(1) These rules may be called the Orissa Electricity Regulatory Commission (Fund) Rules, 2006.

(2) They shall come into force on the date of their publication in the *Orissa Gazette*.

#### 2. Definitions

(1) In these rules, unless the context otherwise requires,—

- (a) 'Act' means the Electricity Act, 2003 (Act 36 of 2003) ;
- (b) 'Bank' means any Nationalised Bank as designated for the purpose of maintaining the fund ;
- (c) 'Chairperson' means the Chairperson of the Commission ;
- (d) 'Commission' means the Orissa Electricity Regulatory Commission ;
- (e) 'Drawing and Disbursing Officer (D.D.O.)' means an officer who is under the control of the Commission entrusted with the responsibility of drawing and disbursing of funds ;
- (f) 'Fund' means Orissa Electricity Regulatory Commission Fund to be maintained by the Commission in the designated bank as per the provisions of these rules ;
- (g) 'Government' means the Government of Orissa ;

(h) 'Member' means the Member of the Commission ; and

(i) 'State Act' means the Orissa Electricity Reform Act, 1995 (Orissa Act 2 of 1996).

(2) Words and expressions used but not defined in these rules shall have the meaning assigned to them in the Act and the Orissa Electricity Reform Act, 1995 to the extent the same are not inconsistent with the provisions of the Act .

## **PART II**

### **3. Creation of Fund**

(1) There shall be a Fund for the purpose of meeting the expenses of the Commission as specified under sub-section (2) of Section 103 of the Act.

(2) The Commission shall maintain the Fund with any Nationalised Bank as the main account at the headquarter of the Commission and with subsidiary accounts at such other branches of the said bank as the Commission considers appropriate.

(3) If the amount is received by the Commission by cash, cheques or drafts, as the case may be, the same shall be deposited by the Commission in the Fund forthwith of its receipt.

### **4. Contribution to the Fund**

All revenues of the Commission including the grants and loans by the Government under Section 102 of the Act; the fees and other sum received by the Commission under sub-section (1) of Section 103 of the Act shall be deposited or remitted to the Fund. Receipt towards Arbitration Fee/E.M.D./Security Deposits received from contractors will be kept in a separate account, opened for the purpose.

### **5. Area of Applicability**

(1) Any amount credited to the Fund shall not be utilised for any purpose other than the purpose specified in rule 7 of these rules.

(2) The Commission shall meet any expenses of the Commission only by drawal of the amount from the Fund and not otherwise.

### **6. Operation of the Fund**

(1) The Fund shall be operated by the D.D.O., to be designated by an order of the Chairperson from time to time. The D.D.O. so designated shall be the authorised signatory of the bank accounts in which the Fund is maintained.

(2) Withdrawal from the Fund shall be only against proper authorisation and after sanction from the appropriate authority.

### **7. Application of the Fund**

The fund shall be applied for meeting—

- (a) the salary, allowances and other remuneration of Chairperson, Members, Secretary, Officers and other Employees of the Commission including pension and provident fund as provided in clause (a) of sub-section (2) of Section 103 of the Act ;

Expenditure on various allowances like H.R.A., R.C.M., T.E., L.T.C., etc. shall be as per the rules of the State Government in force and as per yardstick fixed by the State Government. Expenditure on G.P.F., Pension and other retirement benefits shall be as per the rules applicable to the State Government employees ;

- (b) the expenses of the Commission in-discharge of its functions under Section 86 of the Act as provided in clause (b) of sub-section (2) of Section 103 of the Act ;
- (c) the expenses on objects and for purposes authorised by the Act as provided in clause (c) of sub-section (2) of Section 103 of the Act.

## **8. Budget**

The Commission shall prepare in such form and at such time in each financial year as may be prescribed, its budget for the next financial year showing the estimated receipts and expenditure of the Commission and forward the same to the Government.

## **9. Investment of Surplus Funds**

(a) The Drawing and Disbursing Officer(D.D.O.) shall invest funds available in the fund from time to time in gainful short term or long term deposits in any Nationalised Bank or financial institutions promoted by the Government of India or Government of Orissa in order to ensure suitable returns on surplus funds. The incidental charges like brokerage, commission shall be accounted for as charge on the fund.

(b) The income earned on the investment of money from time to time shall form receipt of the Fund.

(c) At the end of the financial year the balance lying unspent in the bank account relating to unutilized grants received from the State Government shall be refunded / remitted back to the Government account.

(d) For the grants, received from Government by the Commission and utilized, the Commission shall furnish the utilization certificates thereof to the Government in Energy Department , Finance Department and Accountant-General, Orissa.

## **PART III**

## **10. Accounts and Audit of the Commission**

(a)The accounts of the Funds shall be maintained by the Commission as per the provisions of Section 104 of the Act and rules framed thereunder.

(b)The accounts of the Commission shall be audited as per the provisions of Section 104 of the Act.

## **11. Interpretation—**

The rules shall be read and construed in all respects subject to the provisions of the Act and the provisions of the State Act in so far the same is not inconsistent with the provisions of the Act. This rule made under Electricity Act, 2003, shall prevail over the rules and regulations made under the State Act, in so far as the later is inconsistent with these rules.

**12. Issue of Orders and Practice Direction**

Subject to the provisions of the Act and these rules, the State Government may from time to time issue orders and practice directions in regard to the implementation of these rules and procedure to be followed on various matters, which the State Government has been empowered by these rules or by the provisions of the Act to direct and also matters incidental or ancillary thereto.

**13. Power to Remove Difficulties**

If any difficulty arises in giving effect to any of the provisions of these rules, the State Government may do or undertake acts by a general or special order direct the Commission to take suitable action not being inconsistent with the provisions of the Act, which appears for the State Government to be necessary or expedient for the purposes of removing difficulties.

**14. Closure of the Fund**

(a) The fund shall remain in operation so long as the relevant provision of the Act remains in force.

(b) At the time of the closure of Fund when the Fund is no longer required, all the unspent balance under the Fund shall be remitted into the Government Treasury.

By order of the Governor

R. N. BOHIDAR

A.P.C.-*cum*-Additional Chief Secretary to Government